

REMARKS

I. Summary of the Office Action

Claims 161-191 are pending in this application.

Claims 161, 174, 189, and 191 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 161-165, 168-170, 173-178, 181-183, 186-188, and 190 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Rothmuller U.S. Patent No. 5,635,989 (hereinafter "Rothmuller") in view of Bedard U.S. Patent No. 5,801,747 (hereinafter "Bedard").

Claims 166, 167, 179, and 180 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Rothmuller in view of Bedard and further in view of Macrae U.S. Patent Publication No. 2003/0208756 (hereinafter "Macrae").

Claims 171, 172, 184, and 185 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Rothmuller in view of Bedard and further in view of Billock U.S. Patent Publication No. 2002/0059581 (hereinafter "Billock").

Claims 189 and 191 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Rothmuller in view of Bedard and further in view of Barrett U.S. Patent No. 6,005,597 (hereinafter "Barrett").

II. Summary of Applicant's Reply

The Examiner's rejections are respectfully traversed.

III. The §112 Rejection

Claims 161, 174, 189, and 191 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

Claims 161, 174, 189, and 191 each include the phrase "amount of time." The Examiner contends that this phrase is indefinite because:

it is unclear whether the newly added phrase "amount of time" represents determining the number of times the user has watched the program or determining how long the user has watched the program.

(Office Action, p. 2) (emphasis in original). The Examiner's reasoning, however, illustrates why the Examiner is wrong. The meaning of "time" is different than "times." The word "time" in "amount of time" is singular. If "amount of time" were meant to represent "number of times," it would not be grammatically correct to use the singular form of "time" in the phrase. This is illustrated in the Examiner's quote above where it is stated "number of times" (emphasis added). It would not be grammatically correct to state "number of time."

In view of the foregoing, the phrase "amount of time" does not represent "number of times" as the Examiner contends. Accordingly, the phrase "amount of time" is definite and the applicant respectfully requests that this rejection of claims 161, 174, 189, and 191 be withdrawn.

IV. The §103 Rejection of Claims 161 and 174

Claims 161 and 174 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Rothmuller in view of Bedard. This rejection is respectfully traversed.

Independent claims 161 and 174 are directed towards a method and system for adding a program of interest to a watch list using an interactive television program guide. A program of interest is added to the watch list in response to the user having watched the program for a specified amount of time. Programs of interest in the watch list are ranked based on the amount of time each program has been watched.

Rothmuller discusses generating a favorite program list by storing in memory the titles of programs viewed for a period of time exceeding a predetermined period of time (column 5, line 59 to column 6, line 4). However, the Examiner concedes that Rothmuller fails to show or suggest ranking programs in the favorite program list based on the amount of time the programs have been watched. Nevertheless, the Examiner contends that applicant's claimed invention would be obvious over Rothmuller in view of Bedard. Applicant respectfully disagrees.

Bedard relates to a method and apparatus for creating a television viewer profile. A viewer's behavior is monitored and the viewer's preferred channels are determined based on viewing units. When a viewer views a channel for longer than a viewing unit, the system either increments that

channel's viewing units if the channel is already in the viewer's profile or adds that channel to the viewer's profile.

The Examiner contends that "Bedard discloses ranking the program of interest based on how long the user has watched the program" (Office Action, p. 4). The Examiner's contention is respectfully traversed.

First, Bedard does not determine how long a viewer watches a program. Bedard, in stark contrast to Rothmuller, is directed to determining a viewer's preferred channels, not programs. For example, as shown in Fig. 2, the left column of the viewer profile is labeled "Channel" and channel names are listed in the column.

Second, Bedard does not teach ranking anything based on how long the viewer watches channels. Rather, Bedard merely stores in viewing units how long a viewer has watched each channel (see Fig. 2). The channels in the viewer profile are ordered based on how recently they were viewed (see col. 6:23-25).

In view of the foregoing, Bedard fails to show or suggest ranking programs of interest based on the amount of time the programs have been watched as required by applicant's claimed invention. Therefore, even if it were obvious to modify Rothmuller with the teachings of Bedard, the combination would fail to show or suggest applicant's claimed invention.

For the above reasons, applicant submits that independent claims 161 and 174 are allowable over Rothmuller and Bedard and respectfully requests that this rejection of claims 161 and 174 be withdrawn.

V. The §103 Rejection of
 Dependent Claims 162-173 and 175-191

Claims 162-165, 168-170, 173, 174, 176-178, 181-183, 186-188, and 190 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Rothmuller in view of Bedard. Claims 166, 167, 179, and 180 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Rothmuller in view of Bedard and further in view of Macrae. Claims 171, 172, 184, and 185 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Rothmuller in view of Bedard and further in view of Billock. Claims 189 and 191 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Rothmuller in view of Bedard and further in view of Barrett. The Examiner's rejections are respectfully traversed.

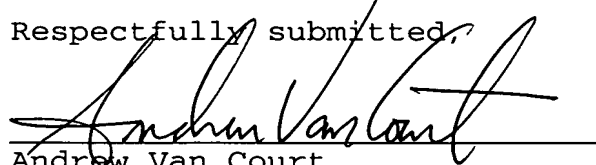
Applicant has shown independent claims 161 and 174 to be allowable. Dependent claims 162-173 and 175-191, which depend from one of independent claims 161 and 174, are allowable at least because they depend from allowable claims. Applicant respectfully requests that these rejections of claims 162-173 and 175-191 be withdrawn.

VI. Conclusion

Applicant respectfully submits that this application, including claims 161-191, is in condition for allowance.

Reconsideration and allowance of this application are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Van Court", is written over a horizontal line.

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